

Before the  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED

SEP 27 1996

DOCKET FILE COPY ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 ) CC Docket No. 95-116  
Telephone Number Portability ) RM-8535  
 )

**Opposition to Petitions For Reconsideration**

ALLTEL Telephone Services Corporation ("ALLTEL")<sup>1</sup>, hereby opposes<sup>2</sup> the petitions for reconsideration filed in the above-captioned proceeding by various parties<sup>3</sup> advocating an acceleration of the implementation schedule for long term number portability in markets beyond the top 100 MSAs.

The Commission's Report and Order in this matter<sup>4</sup> acknowledged that its proposed deployment schedule for long term number portability was designed to accommodate the actual pace of competitive entry in markets beyond the top 100 MSAs and the increased burden on smaller carriers occasioned by needed hardware, software

<sup>1</sup> ALLTEL is the service company for the ALLTEL companies providing local exchange service in various territories throughout the nation. The ALLTEL companies control less than 2% of the nation's access lines.

<sup>2</sup> The filing of the petitions for reconsideration in this matter appeared in the Federal Register on September 12, 1996. See Fed. Reg. Vol. 61, page 48154. Pursuant to Section 1.429 and 1.4(b)(1) of the Commission's rules, oppositions to the petitions for reconsideration are due on September 27, 1996.

<sup>3</sup> See the petitions for reconsideration filed by KMC Telecom, Inc., American Communications Services, Inc., and Nextlink Communications L.L.C (collectively, the "Petitioners")

<sup>4</sup> Telephone Number Portability. First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95-116, FCC 96-286 (Released July 2, 1996) ("Report and Order").

and other technical upgrades. Report and Order at paras. 81-82. The Commission therefore afforded carriers in markets below the top 100 MSAs a degree of latitude to comply with the rules -- after January 1, 1999 a carrier would have to provide number portability within six months of a specific request from another carrier.<sup>5</sup> Report and Order at para. 80. The Petitioners, however, seek a precipitous acceleration of this time frame, and, in the case of KMC Telecom, Inc., propose a schedule which would impose mandatory number portability requirements on small carriers in markets below the top 100 MSAs sooner than the Commission currently contemplates imposing the same requirements on Regional Bell Companies operating in the top 100 MSAs.

Number portability is an expensive and complicated proposition. The Congress acknowledged in section 251(f)(2) the costs and administrative burdens of implementing number portability might fall disproportionately on those least able to shoulder them -- smaller carriers and particularly those with less than 2% of the nation's access lines. ALLTEL notes that the Commission openly admits that its deployment schedule is based upon the availability of technologies and data bases which have not yet been developed. Report and Order at para. 81. Nor has a cost recovery method been established. Smaller carriers in markets below the top 100 and, in particular, those with 2% or less of the nation's access lines, should be permitted not only to defer the capital expenses associated with deployment of number portability but should be required to invest only in those technologies which have been tested and proven reliable

---

<sup>5</sup> ALLTEL agrees with the suggestion that the Commission should clarify in far greater detail the standards and criteria for such requests. See Petition for Reconsideration of NYNEX at page 13.

by the larger carriers in the major markets. Smaller companies must be positioned to benefit from the larger carrier's and vendor's learning curves, and should not be required to shoulder the development costs under the grossly accelerated deployment schedule advocated by the Petitioners.

The accelerated schedule is needed, inasmuch as certain of the Petitioner's<sup>6</sup> believe they are precluded from submitting requests under the Report and Order until January 1, 1999. Neither the Telecommunications Act of 1996 nor the Commission's Report and Order impose any ban on the submission of such requests; the January 1, 1999 date simply is the start date for enforcement by the Commission in markets below the top 100 MSAs. ALLTEL notes that number portability is a section 251(b) obligation which is subject to the section 252 negotiation process. Interconnecting carriers reaching agreement on portability solutions prior to January of 1999 are certainly free to pursue them under both the supervision and enforcement powers of the states.

Rather than permit number portability to progress in an orderly fashion on both technical and economic fronts, grant of the petitioner's request, without (at a minimum) special provision for companies with less than 2% of the nation's access lines, would undoubtedly drive companies to seek refuge from the added costs, administrative burdens and feasibility questions through the waivers or suspension process pursuant to section 251(f)(2) of the 1996 Act. Under the Commission's approach, the suspension or waiver requests are to be acted upon by the states where the broader section 251

---

<sup>6</sup> See petition of KMC Telecom at page 5; petition of American Communications Services at page 8.

negotiations are to take place. Report and Order at para. 83; First Report and Order in the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Interconnection Between Local Exchange Carriers and Commercial Mobile Service Providers, , CC Docket No. 95-185, FCC 96-325 (Released August 8, 1996) (“Interconnection Order”) at paras. 1262-1265. Accelerated deployment deadlines would clearly complicate what otherwise might be an orderly transition to compliance with the Commission’s standards.

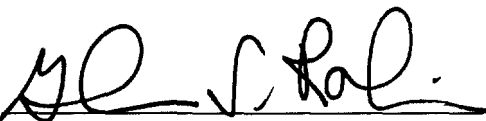
The deployment schedule proposed by the Commission for markets below the top 100 should not be accelerated. However, ALLTEL notes that adjustment of the Commission’s implementation time frames is required for small companies operating in the top 100 MSAs. Reconsideration requests filed by the National Telephone Cooperative Association (“NTCA”) and the Organization for the Promotion and Advancement of Small Telecommunications Companies (“OPASTCO”) as well as those filed by the National Exchange Carrier Association, Inc. (NECA) and the United States Telephone Association (“USTA”) note the dilemma faced by independent and rural telephone companies which provide service in some discrete portion of the top 100 MSAs. The Commission has imposed a deadline for number portability in the top 100 markets for which neither the 1996 Act nor the Report and Order provides a definitive exemption for smaller telephone companies. NECA petition at pages 2-4; NTCA/OPASTO petition at pages 2-3. NTCA/OPASTO seeks to have the Commission clarify its rules to defer the imposition of number portability requirements

on these carriers in the top 100 MSAs until six months after the receipt of a bona fide request. ALLTEL supports this request and argues that it should be expanded to encompass any carrier with less than 2% of the nation's access lines.

In conclusion, ALLTEL supports the Commission's efforts to implement number portability in an orderly fashion and one which is sensitive to the true needs of a competitive marketplace. Small LECs and those with less than 2% of the nation's access lines should not be subjected to the burdensome acceleration of the implementation schedule advocated by the petitioners and their requests for reconsideration should be denied.

Respectfully submitted,

ALLTEL Telephone Services Corporation

By: 

Glenn S. Rabin  
Federal Regulatory Counsel

ALLTEL Corporate Services, Inc.  
655 15th Street, N.W.  
Suite 220  
Washington, D.C. 20005  
(202) 783-3970

Dated: September 27, 1996

## CERTIFICATE OF SERVICE

I, Glenn S. Rabin hereby certify that I have this 27th day of September 1996, served a copy of the foregoing "Opposition to Petitions for Reconsideration" via first class U.S. mail, postage prepaid, upon the following:

David A. Gross  
Kathleen Q. Abernathy  
AirTouch Communications, Inc.  
1818 N Street, N.W.  
Suite 800  
Washington, D.C. 20036

Loretta J. Garcia  
MCI Telecommunications Corporation  
1801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

James D. Ellis  
SBC Communications, Inc.  
175 E. Houston  
Room 1254  
San Antonio, Texas 78205

Jill Lyon  
American Mobile Telecommunications Association, Inc.  
1150 18th Street, N.W.  
Suite 250  
Washington, D.C. 20036

M. Robert Sutherland  
BellSouth Corporation  
Suite 1700  
1155 Peachtree Street, N.E.  
Atlanta, Ga. 30309-3610

Nancy C. Woolf  
Pacific Telesis Group  
140 New Montgomery Street,  
Room 1523  
San Francisco, California 94105

Laura L. Holloway  
Nextel Communications, Inc.  
800 Connecticut Avenue, N.W.  
Suite 1001  
Washington, D.C. 20006

John T. Scott, III  
Crowell and Moring LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Jeffrey S. Bork  
U.S. West, Inc.  
1020 19th Street, N.W.  
Suite 700  
Washington, D.C. 20036

Dennis C. Brown  
Brown and Schwaninger  
1835 K Street, N.W.  
Suite 650  
Washington, D.C. 20006

Michael S. Fox  
John Staurakis, Inc.  
6315 Seabrook Road  
Seabrook, Maryland 20706

Edward A. Yorkgitis, Jr.  
Kelley Dyre & Warren, LLP  
1200 19th Street, N.W.  
Suite 500  
Washington, D.C. 20036


David Cosson  
NTCA  
2626 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037

Lisa M. Zaira  
OPASTCO  
21 Dupont Circle, N.W.  
Suite 700  
Washington, D.C. 20036

Erin M. Reilly  
Swidler and Berlin  
3000 K Street, N.W.  
Suite 300  
Washington, D.C. 20007

David L. Meier  
Cincinnati Bell Telephone  
201 E Fourth Street  
Cincinnati, Ohio 45201-2301

Charles D. Cosson  
USTA  
1401 H Street, N.W.  
Suite 600  
Washington, D.C. 20005

A handwritten signature in black ink, appearing to read "CD Cosson", written over a horizontal line.